

UNITED STATES DISTRICT COURT

for the

District of

Division

CLERK USDC EDWI
FILED

2023 DEC -8 P 1:57

23-8-1652

Case No.

(to be filled in by the Clerk's Office)

Sammie J. HARRIS

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

RACINE COUNTY JAIL

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Sammie J. HARRIS
 All other names by which
 you have been known: N/A
 ID Number 131160
 Current Institution RACINE COUNTY JAIL
 Address 717 WISCONSIN AVE
RACINE WI 53403
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name RACINE COUNTY JAIL
 Job or Title (*if known*) ALL CORRECTION OFFICERS
 Shield Number _____
 Employer RACINE COUNTY JAIL STAFF'S
 Address 717 WISCONSIN AVE
RACINE WI 53403
City State Zip Code

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name CO LAMBER STAFF
 Job or Title (*if known*) CORRECTION OFFICER
 Shield Number _____
 Employer RACINE COUNTY JAIL
 Address 717 WISCONSIN AVE
RACINE WI 53403
City State Zip Code

☐ Individual capacity ☒ Official capacity

Defendant No. 3

Name

Castelan, Juan Omar STAFF

Job or Title (if known)

CORRECTION OFFICER

Shield Number

11435

Employer

RACINE COUNTY JAIL

Address

719 WISCONSIN AVE

RACINE

WI

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 4

Name

CO CORNOG STAFF

Job or Title (if known)

CORRECTION OFFICER

Shield Number

Employer

RACINE COUNTY JAIL

Address

719 WISCONSIN AVE

RACINE

WI

53403

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Failure To protect / Sexual HARASSMENT

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
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III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (explain) PRELIMINARY HEARING

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.
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- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

FROM 10-12-22 TO 10-19-23 - 11-19-23.
RACINE COUNTY DID NOT FOLLOW "STATE LAW" NOR FEDERAL LAW
ON HANDLE APROA / AND FAILURE TO PROTECT" AND INMATE

SAMMI J. HARRIS STATEMENT OF CLAIM

Sometime's IN the early of this month AROUND 10-13-2023, "I FILE A SEXUAL HARASSMENT PREA CALL" ON CORRECTIONAL OFFICER, "LAMBER", ABOUT TALKING SEXUAL TO ME" AND MAKING STATEMENT'S ABOUT "EXPOSING MY BODY" TO HIM AND OTHER INMATE'S IF I WAS TO USE THE WASH ROOM" USING HIS EYE'S "TO LOOK DOWN AT MY LOWER BODY" IN A SEXUAL WAY SO I REPORTED "I TALKED WITH A PREA STAFF" THAT TOLD ME TO NOTIFIED "CO" STAFF LAMBER, AND EVERY OTHER STAFF "I DON'T FEEL SAFE AROUND CO" STAFF LAMBER", PREA ALSO TOLD ME ONCE THEY CONTACT RACINE COUNTY JAIL, "A INVESTIGATION" WILL BE PENDING" I WAS ALSO TOLD THAT ME AND STAFF CO" LAMBER" WANT BE ALLOW AROUND EACH OTHER" NOT EVEN TO LOOK AT EACH OTHER" UNTILL THE PREA INVESTIGATION" OVER" AND I WAS TOLD I SHOULDN'T BE PUNISHED" NOR HARASSED" BY ANYONE" AT THIS RACINE COUNTY JAIL, "AND DO NOT SHARE MY PREA STATEMENT WITH ANYONE" THAT'S CONFIDENTIAL" SOON OR SO LATER CO" LAMBER" WAS DOING "ROUNDS CHECK UP FOR INMATE'S" I NOTIFIED CO" LAMBER" WHAT PREA TOLD ME "TO SAY" ABOUT NOT BEING SAFE "AROUND HIM" CO" LAMBER DID NOT HAVE ON HIS BODY CAM "I WAS THREATING BY CO" LAMBER" TO GO LOCK IN "SINCE I TOLD HIM" HE NEEDS TO HAVE HIS BODY CAM" RECING ON RED" AND ABOUT "MY PREA CALL" ALSO MAKING CONTACT WITH ME WITHOUT HIS BODY CAM "I DID NOT LOCK IN BUT I DID FILE GRIEVANCE WITH RACINE COUNTY JAIL "AND PREA, THE REST OF LAMBER" SINCE HE DID NOT MAKE ANY CONTACT WITH ME IN PERSON "NOR DID HE SAY ANYTHING BUT WAS ABLE TO STILL LOOK AT ME "AND SMILE AT ME" I DID NOT SEE CO" LAMBER FOR A FEW DAYS, "A STAFF NAME CO' CORDOG" MET WITH ME ABOUT THE PREA "I TOLD CO' CORDOG A LITTLE WHAT HAPPEN BECAUSE I FELT LIKE "HE WASN'T GO HELP ME" BUT CO' CORDOG ASKED ME WHAT DO I WANT OUT OF THIS "I SAID TO KEEP CO' LAMBER" AWAY FROM ME "I DIDN'T WANT TO PRESS CHARGE", CO' CORDOG "WAS TRYING TO GET ME TO SWITCH MY WORDS UP" LIKE I WAS TRYING TO BREAK A JAIL RULE" ON USING THE WASH ROOM. "BACKSIDE"

But said okay He would Help " 2 days AFTER THAT meeting I NOTICE THAT STAFF
LAMBERT WAS BACK AROUND ME" ON 2D "UNIT" SO I CALLED PREA ONCE AGAIN
TO NOTIFIED THEM " I WAS NEVER NOTIFIED THAT THE INVESTIGATION " WAS
OVER " IN WORDS " PERSON " NOW ANY NOTICE " PREA TOLD ME THAT THEY WOULD
NOTE EVERYTHING " I'M SAYING " AND THEY WILL FIND OUT " WHO IS HANDLING THIS
CASE " PLUS CAN DOWN TO RACINE COUNTY " JAIL " AND IF I SEE CO " LAMBER " HERE
COMPLAINING " I WAS ON 2D " UNIT " CELL 5 " NOW ON DATE 10-19-23 " MORNING
TIME " I SEEN CO " LAMBER " I CHECKED TO SEE DID I GET ANY RESPOND ON
THE PREA " IT WASN'T NO RESPOND " TO I CALLED PREA VERY FAST " PREA WAS VERY
SURPRISED THAT CO " LAMBER WAS STILL AROUND ME " HE WAS WORKING 3D OR 3E
BUT STILL WAS ABLE TO COME ^{BACK} AND FORWARD TO 2D " UNIT SOME STAFF'S THEY HAVE IN
CO " BOOTH " PREA TOLD ME THEY WOULD NOTE EVERYTHING ONCE AGAIN " I
TOLD THEM PREA " I DON'T FEEL SAFE " AND I BELIEVE SOMETHING MIGHT HAPPEN
TO ME " SO PLEASE CALL AND SEE WHY HE AROUND ME " I WAS ASSAULTED BY MY
CELLY IN CELL 5 " FOR TELLING ON CO " LAMBER " THEN AROUND LATE TIME " I WAS
ASSAULTED BY ANOTHER INMATE " FOR THE SAME REASON " I WAS THINKING I WAS
IN THE CROSS OF A GANG WAR " BUT WASN'T " BOTH ASSAULT'S WAS RELATED TO
CO " LAMBER " CO STAFF " LAMBER WATCHING ME GET ASSAULTED IN THE DAY ROOM
FOR OVER 5 MIN " AND FAIL TO PROTECT ME " I'M UNDERSTANDING RACINE COUNTY
TRYING TO COVER THIS UP THEY NOT LETTING ME BRING CHARGES " ON ANYONE
ABOUT THIS ISSUE " REFUSING ME " I'M BEING HARASSED " BY INMATE'S
TO ASSAULT ME " OR KILL ME FOR TELLING " AND HARASSED FOR TELLING ON CO
LAMBER " BY OTHER STAFF " I FEAR FOR MY LIFE IN THIS JAIL " I'M IN PAIN
CAUSE OF THE BROKEN BONE " IN MY NECK " I DON'T WANT TO GET SURGERY WHY
I'M HERE " CAUSE ALL STAFF'S ARE VERY COOL WITH EACH OTHER " AND OUTSIDE OF
JAIL LIFE'S " WITH EACH OTHER " AND I WANT GET PROPER MEDICAL TREATMENT
I FEEL " AND I MIGHT NOT WALK IF I DON'T GET THIS TREATMENT DONE "

C. What date and approximate time did the events giving rise to your claim(s) occur?

Around 11:00 " 2:30 PM
10-19-23 CO' LAMBER' ALSO WAS AROUND 11-6-23 11:50 AM 6:44 PM
11-19-23 MED/PAT'S

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I WAS ASSAULTED " BECAUSE I
I FILE A PREA' ON OFFICER CO' LAMBER' CONNECTION OFFICER
AND TOLD INMATES TO ASSAULT ME " FOR MAKING PREA CALLS
I DON'T FEEL SAFE WITH STAFF'S NOR INMATES " STAFF'S
AND CO' LAMBER TOLD OTHER INMATES I CALLED BACK ON A STAFF
I GET TELLAS ON INMATES " PUT MY LIFE IN DANGER EVERY DAY I
GET TELLAS HASSED BY STAFF'S OR INMATES I FEAR FOR MY
SAFETY IN RACINE COUNTY JAIL REALLY THE TRUTH

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

BROKEN BONE IN MY NECK I NEED
SURGERY " FACE WEAKNESS " BACK PAIN " DOUBLE OR BLURRED
VISION " LOT OF HAIR " PULLED OUT MY HEAD " DEPRESSION
HEADACHES DIFFICULTY WALKING " I NOT RECEIVING AS
NO PROPER MEDICAL TREATMENTS " NO PAIN MEDICATIONS
STRONG TO HELP " I FEAR FOR MY LIFE " GETTING ANY
SURGERY FOR MY NECK WHY THEN IN
RACINE COUNTY JAIL COUNTY

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes.

If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I WOULD LIKE FOR THE COURT TO
MOVE ME TO ANOTHER COUNTY JAIL " OR RELEASE " ME " OUT
TO GET SURGERY FOR THE BROKEN BONE IN MY NECK
FOR A PROPER SAFE TREATMENT " AND \$250,000 IF THE
COUNTY GRANTS " AND TO PRESS CHARGES ON EVERY PERSON THAT
HAD SOMETHING TO DO WITH THIS " FEAR AS RACINE COUNTY JAIL
ANY INMATES " OR CO' STAFF'S " INVOLVED ON COVER UPS

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Randall County Jail

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

Failure to protect / sexual harassment

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☒ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

RANDOLPH COUNTY JAIL

2. What did you claim in your grievance?

FAILURE TO PROTECT / SEXUAL HARASSMENT

3. What was the result, if any?

ANSWERED BUT LOOKED OVER NOT RESOLVED

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

SOME COMPLAINT OR GRIEVANCE WAS ANSWERED BUT LOOKED OVER NOT RESOLVED

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I did file complaints and many grievances
But I don't know if they would be on record's
When I file this complaint with the court's

I'm being refused to precharge on this issue also

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

every response was not
fair I wrote many staff who answer my complaints
also talked with PREA many of time's nothing resolved

I been harassed since OCT 19 - 2023 Till Now

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

N/A

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12-6-2023

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Samuel HARRIS

SAMMIE J. HARRIS

131160

717 Wisconsin Ave

Racine
City

WI
State

53403
Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address